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6 || Attorneys for Plaintiff

**THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION**

RUDOLPH HANNA,)
Plaintiff,)
vs.)
GENERAL ELECTRIC COMPANY,)
TODD SHIPYARDS CORPORATION,)
NATIONAL STEEL AND)
SHIPBUILDING COMPANY,)
Defendants.)
)
No. C08-980-JSW
JOINT MOTION AND STIPULATION TO
STAY PROCEEDING OR, IN THE
ALTERNATIVE, TO CONTINUE CASE
MANAGEMENT DEADLINE AND
CONFERENCE, AND TO EXTEND TIME;
~~[PROPOSED] ORDER TO STAY;~~
~~[PROPOSED ALTERNATIVE] ORDER~~
~~TO CONTINUE~~

19 Pursuant to Civil L. R. 7-11 and 7-12, the following parties hereby stipulate to, and
20 respectfully move the Court for, an Order extending time as set forth in the *Case Management*
21 *Scheduling Order* filed February 15, 2008 (Document 3) , and the *Order Setting Case*
22 *Management Conference and Requiring Joint Case Management Conference Statement*, filed
23 March 19, 2008 (Document 10) for the following good cause:

24 On March 25, 2008, Defendant GENERAL ELECTRIC COMPANY filed Document 17,
25 a Notice to Tag Along Action regarding the pending Multidistrict Litigation (“MDL”) in the
26 Eastern District of Pennsylvania, seeking among other things, to move Jurisdiction of this matter
27 to that District. Defendant GENERAL ELECTRIC COMPANY has faxed counsel copy of a
28 cover letter showing that this notice was mailed to the Judicial Panel on Multidistrict Litigation

1 ("JPML") pursuant to 28 U.S.C. § 1407, said notice to the JPML from counsel being necessary
 2 to initiate the transfer process.

3 On July 29, 1991, the JPML entered an order transferring all asbestos personal injury
 4 cases pending in the federal courts to the United States District Court for the Eastern District of
 5 Pennsylvania, for coordinated pretrial proceedings pursuant to 28 U.S.C. § 1407. (*In re Asbestos*
 6 *Products Liability Litigation (no. VI)*. MDL No. 875., 771 F.Supp. 415 (1991)). That order also
 7 applies to "tag-along actions," or actions involving common questions of fact filed after January
 8 17, 1991. Such actions are to be transferred to the eastern District of Pennsylvania as part of
 9 MDL 875, for coordinated pretrial proceedings.

10 The JPML has held that a district court has the authority to stay pending a transfer order.
 11 *In re Asbestos Products Liability Litigation*, 170 F. Supp. 2d 1348, 1349 n.1 (J.P.M.L. 2001)
 12 ("[T]hose courts concluding that such issues should be addressed by the transferee judge need
 13 not rule on them, and the process of 1407 transfer in MDL-875 can continue without any
 14 unnecessary interruption or delay.")

15 The parties agree that it is likely that the JPML will transfer this matter to the Eastern
 16 District of Pennsylvania.

17 However, to date, the Clerk of the JPML has not entered a *Conditional Transfer Order*
 18 pursuant to JPML Rule 12(a) or filed an order to show cause why the action should not be
 19 transferred, pursuant to JPML Rule 13(b).

20 It is likely the dates set forth in the *Case Management Scheduling Order* including the
 21 deadlines imposed by Federal Rules of Civil Procedure 26, will come to pass **before** the Clerk of
 22 the JPML acts.

23 The parties make this Motion on the grounds that a stay of this action would (a) promote
 24 judicial efficiency, (b) allow consistency in pretrial rulings, and (c) be most convenient to the
 25 parties.

26 Due to the pending action by the Clerk of the JPML, the parties hereby STIPULATE to
 27 and respectfully request the Court VACATE its *Case Management Scheduling Order* and that
 28 the Court issue an Order STAYING this action pending the outcome of the MDL Panel's

decision on the merits of the transfer.

In the alternative, the parties hereby STIPULATE to and respectfully request that the dates set forth in the *Case Management Scheduling Order* be vacated and continued pending the outcome of the JPML's decision on the merits of the transfer. Specifically, these deadlines¹ in this matter include the **May 16, 2008** Rule 26 deadline to meet and confer, the **May 16, 2008** deadline to file a Joint ADR Certification, the **May 30, 2008** Deadline to complete Initial Disclosures, the **June 6, 2008** deadline to file the Joint Case Management Statement and the **June 13, 2008** Case Management Conference.

|| Dated: March 31, 2008

BRAYTON PURCELL LLP

/s/ David R. Donadio

By: David R. Donadio
Attorneys for Plaintiffs

|| Dated: April 2, 2008

SEDGWICK, DETERT, MORAN &
ARNOLD, LLP

/s/ Derek S. Johnson

By: _____
Derek S. Johnson
Attorneys for Defendant
GENERAL ELECTRIC COMPANY

Dated: March 31, 2008

YARON & ASSOCIATES

/s/ George D. Yaron

By: George D. Yaron
Keith E. Patterson
Attorneys for Defendant TODD
SHIPYARDS CORPORATION

¹Case Management Scheduling Order filed February 15, 2008 (Document 3) provides that "[i]f the Initial Case Management Conference is continued, the other deadlines are continued accordingly." Therefore these dates are calculated pursuant to FRCivP 26, ADR L.R. 3-5, Civil L.R. 16-8 and 16-9 and Order of March 19, 2008 (Document 10)

1 Dated: April 1, 2008

BRYDON, HUGO & PARKER

2 /s/ P.M. Bessette

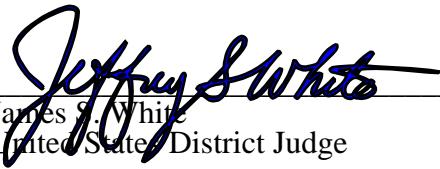
3 By:

4 Edward R. Hugo
5 P.M. Bessette
6 Attorneys for Defendant
7 NATIONAL STEEL AND
8 SHIPBUILDING COMPANY

9 **[PROPOSED] ORDER TO STAY**

10 IT IS HEREBY ORDERED that the hearing date and deadlines specified in the *Case*
11 *Management Scheduling Order* filed February 15, 2008 (Document 3), and the *Order Setting*
12 *Case Management Conference and Requiring Joint Case Management Conference Statement*,
13 filed March 19, 2008 (Document 10) are hereby VACATED and that this action is STAYED
14 pending the outcome of the JPML's decision on the merits of the transfer.

15 Dated: April 4, 2008

16 
17 James S. White
18 United States District Judge

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